

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DAVITA M. KEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACT. NO. 2:19-cv-767-ECM
	)	
HYUNDAI MOTOR MANUFACTURING,	)	
ALABAMA, LLC, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANT DYNAMIC SECURITY, INC.'S OBJECTIONS TO**  
**DEFENDANT HMMA'S EXHIBIT LIST**

Defendant Dynamic Security, Inc.'s ("Dynamic") hereby submits its objections to exhibits included in Defendant Hyundai Motor Manufacturing Alabama LLC's ("Defendant HMMA") Exhibit List (doc. 95) in compliance with the Uniform Scheduling Order (doc. 51) entered November 19, 2021, as amended by the Court's Order entered March 28, 2022. (Doc. 57).

Dynamic reserves the right to supplement, modify, or withdraw any of the objections made herein. In addition, Dynamic reserves the right to object to the limited admissibility of any exhibit and to interpose objections to any exhibit that may have previously been identified as exhibits by Defendant HMMA based on pretrial rulings and rulings during the course of the trial and to object to any exhibit not identified by witnesses at trial. Finally, Dynamic reserves the right to interpose

a specific objection at trial to any exhibit that was not previously identified by Defendant HMMA or was inaccurately described.

**Dynamic's Objections to Specific Exhibits HMMA**  
**Expects to Use at Trial**

<b>Exhibit Number</b>	<b>Exhibit Description</b>	<b>Bates numbers</b>	<b>Objections to Exhibits</b>
Exhibit 1	Deposition excerpts of Davita M. Key pursuant to Rule 32(a)(1) and (3) F.R.C.P. and Section 10 of the Court's Order (Doc. 57): 1:5-25, 4:1-5:25, 10:1911:19, 243:7-9, 85:11-86:8, 115:1-9, 277:21-25, 19:10-24, 23:16-26:7, 40:18-41:8, 21:8-22:7, 18:15-24, 31:3-23, 36:1-38:5, 31:20-23, 32:25-33:17, 27:10-21, 28:1-4, 44:10-12, 17:21-18:1, 127:1-25, 128:19-129:16, 135:2-20, 115:18-116:14, 117:14-25, 116:15-117:5, 140:16-141:8, 141:25-143:4, 23:10-13, 35:24-25, 138:13-139:23, 141:9-12, 144:4-146:4, 51:6-13, 118:13-21, 147:20-148:6, 150:5-151:1, 119:8-120:2, 151:25-154:6, 120:13-122:3, 159:11-160:23, 63:2465:1, 78:9-79:7, 67:8-10, 162:4-12, 164:17-23, 35:22-23, 165:8-20, 166:14-17, 167:8-13,		Dynamic incorporates herein its objections to this deposition testimony contained in Defendant Dynamic Security, Inc.'s Objections to Deposition Testimony Designations. The deposition testimony contains hearsay, speculation, testimony that lacks foundation and is not based on personal knowledge, and irrelevant information.

	168:11-14, 168:15-24, 41:24-43:3, 174:11-22, 226:16-227:3, 125:13-126:6, 226:16-227:6, 29:8-18, 48:16-23, 52:11-53:22, 135:2-20, 21:24-22:7, 47:10-22, 58:16-18, 29:20-25, 47:10-22, 62:5-17, 75:1-76:2, 48:24-53:22, 56:16-57:3, 76:15-77:11, 62:2-17, 69:11-70:12, 70:13-19, 184:11-85:3, 270:21-271:3, 39:18-40:17, and any excerpt which may be needed for impeachment.		
Exhibit 2	Exhibit 1 to Deposition of Davita M. Key dated June 20, 2022: First Amended Complaint dated June 1, 2020		Hearsay – FRE 801(c), 802  Relevancy – FRE 401, 402  Prejudicial – FRE 403
Exhibit 3	Exhibit 2 to Deposition of Davita M. Key dated June 20, 2022: Pre-Application Screening Form dated July 21, 2014	Dynamic-Key 000028  Key 000013	
Exhibit 4	Exhibit 3 to Deposition of Davita M. Key dated June 20, 2022: Paycheck and stub to Key from Dynamic Security, Inc. dated August 22, 2017	Key 000001	
Exhibit 5	Exhibit 4 to Deposition of Davita M. Key dated June	Key 000254-	

	20, 2022: Email to Key from Robinson re: Mailroom Position dated July 21, 2021	000255	
Exhibit 6	Exhibit 5 to Deposition of Davita M. Key dated June 20, 2022: Plaintiff's Amended Initial Disclosures dated January 28, 2022		
Exhibit 7	Exhibit 6 to Deposition of Davita M. Key dated June 20, 2022: Diagram of the First Floor of the Administration Building	HMMA 000077	
Exhibit 8	Exhibit 7 to Deposition of Davita M. Key dated June 20, 2022: Decision on Unemployment Compensation Claim dated September 27, 2017	Key 000129-000130	
Exhibit 9	Exhibit 8 to Deposition of Davita M. Key dated June 20, 2022: HEA Appearance Standards for Security Personnel Policy	HEA 0001-003	
Exhibit 10	Exhibit 9 to Deposition of Davita M. Key dated June 20, 2022: HMMA's PPE & Dress Code Matrix dated July 22, 2013	HMMA 0000003	
Exhibit 11	Exhibit 10 to Deposition of Davita M. Key dated June 20, 2022: Acknowledgement and	Dynamic-Key 000041-000042, Key 000332-	

	Receipt of Employment Handbook dated July 21, 2017 Dynamic Security Officer's Handbook	000382	
Exhibit 12	Exhibit 11 to Deposition of Davita M. Key dated June 20, 2022": Hyundai Engineering America, Inc. Employee Handbook	HEA 0004-0005	
Exhibit 13	Exhibit 12 to Deposition of Davita M. Key dated June 20, 2022: Hyundai Motor Manufacturing Alabama Safety, Security and Fire Protection Handbook	Key 000277-000331	
Exhibit 14	Exhibit 13 to Deposition of Davita M. Key dated June 20, 2022: U.S. Equal Employment Opportunity Commission Intake Questionnaire dated August 2, 2017	Key 000049-000056	Hearsay - FRE 801(c), 802
Exhibit 15	Exhibit 14 to Deposition of Davita M. Key dated June 20, 2022: EEOC Charge of Discrimination to Dynamic Security Incorporated dated August 3, 2017, Charge No. 846-2017-32787	Dynamic-Key 000046-000047	Hearsay - FRE 801(c), 802  Plaintiff's EEOC Charge against Dynamic contains inadmissible hearsay to the extent Plaintiff intends to use it or any statement by another person included therein (double hearsay) to prove the truth of

		<p>the matter asserted. FRE 801(c), FRE 802.</p> <p>Further, Dynamic’s EEOC Charge is not relevant to Plaintiff’s purported claim that Dynamic terminated her employment because the Charge did not allege that Dynamic terminated her employment or took any adverse employment action against her. Thus, the Charge can have “no tendency to make [it] more or less probable” that Dynamic terminated her employment “than it would be without the evidence” FRE 401(a) and (b).</p> <p>Even if relevant, the court should exclude with regard to Plaintiff’s termination claim on grounds that its “probative value is substantially outweighed by a danger of . . . unfair prejudice,” FRE</p>
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			<p>403, because Plaintiff's presentation to the jury of her Charge would imply that it is probative of Dynamic's reasons for terminating her employment when she does not have a termination claim against Dynamic, and the evidence shows Dynamic did not terminate her employment. Admission of the EEOC Charge against Dynamic would thus confuse the issues and mislead the jury as to its significance. FRE 403</p> <p>Plaintiff's EEOC Charge against Dynamic should also be excluded on the additional ground that such evidence is irrelevant and immaterial because the trial is a de novo proceeding. FRE 401, 402</p>
Exhibit 16	Exhibit 15 to Deposition of Davita M. Key dated June	Key 000047	

	20, 2022: EEOC Charge of Discrimination to Hyundai Motor Manufacturing Alabama dated October 16, 2018, Charge No. 420-2019-00128		
Exhibit 17	Exhibit 16 to Deposition of Davita M. Key dated June 20, 2022: Plaintiff's Response to Defendant HMMA's Interrogatories and Plaintiff's Response to Defendant HMMA's Request for Production of Documents dated December 6, 2021.		
Exhibit 18	Exhibit 17 to Deposition of Davita M. Key dated June 20, 2022: Key Handwritten Statement dated August 8, 2017.	Dynamic-Key 000058-000063	Hearsay -FRE 801(c), 802  Prejudicial - FRE 403
Exhibit 19	Exhibit 18 to Deposition of Davita M. Key dated June 20, 2022: Key Handwritten Complaint dated August 1, 2017.		Hearsay - FRE 801(c), 802  Prejudicial - FRE 403
Exhibit 20	Exhibit 19 to Deposition of Davita M. Key dated June 20, 2022: Acknowledgement of Receipt of Dynamic Security Inc.'s Security Officer's Manual dated July 21, 2017	Dynamic-Key 000040	



Exhibit 21	Exhibit 20 to Deposition of Davita M. Key dated June 20, 2022: Dynamic Security, Inc. Harassment in the Workplace Policy signed by Key dated July 21, 2017	Dynamic-Key 000042	
Exhibit 22	Exhibit 21 to Deposition of Davita M. Key dated June 20, 2022: Dynamic Security, Inc. Rules and Regulations for Security Officers Policy signed by Key dated July 21, 2017	Dynamic-Key 000038-000039	
Exhibit 23	Exhibit 22 to Deposition of Davita M. Key dated June 20, 2022; U.S. Equal Employment Opportunity Commission Dismissal and Notice of Right of Charge No. 846-2017-32787 dated March 1, 2019.		
Exhibit 24	Exhibit 26 to Deposition of Davita M. Key dated June 20, 2022: Key rebuttal to EEOC regarding Charge No. 846-2017-3287 (against Dynamic Security) dated October 4, 2017.		Hearsay -FRE 801(c), 802
Exhibit 25	Exhibit 27 to Deposition of Davita M. Key dated June 20, 2022: Photos of Key	Key 000028-29	Relevancy - FRE 401, 402  The Eleventh Circuit has held that dreadlocks are not an immutable characteristic associated with race but are a mutable

			<p>hairstyle choice. <i>EEOC v. Catastrophic Management Solutions</i>, 852 F.2d 1018 (11<sup>th</sup> Cir. 2016). Therefore, pictures of Plaintiff's dreadlocks are not relevant to her race discrimination termination claim. FRE 401, 402. Pictures would also serve to unfairly prejudice Dynamic, confuse the issues, and mislead the jury because dreadlocks, regardless of how styled, is not an immutable trait associated with race. FRE 403.</p>
Exhibit 26	Exhibit 28 to Deposition of Davita M. Key dated June 20, 2022: Key Letter to Board of Appeals, Alabama Department of Labor re: Case Number 07549-AT-17 dated October 4, 2017	S000145-146	<p>Hearsay -FRE 801(c), 802</p> <p>Relevancy - FRE 401, 402</p>
Exhibit 27	Exhibit 29 to Deposition of Davita M. Key dated June 20, 2022: State Board of Appeals, Alabama Department of Labor, Disallowance of Application for Leave to	S000151	

	the Board of Appeals dated October 5, 2017		
Exhibit 28	Exhibit 30 to Deposition of Davita M. Key dated June 20, 2022: Plaintiff's Response to Defendant HEA's First Discovery Requests dated March 27, 2022.		
Exhibit 29	Exhibit 31 to Deposition of Davita M. Key dated June 20, 2022; Photos of Key	Key 271-000276	<p>Relevancy - FRE 401, 402</p> <p>The Eleventh Circuit has held that dreadlocks are not an immutable characteristic associated with race but are a mutable hairstyle choice. <i>EEOC v. Catastrophic Management Solutions</i>, 852 F.2d 1018 (11<sup>th</sup> Cir. 2016). Therefore, pictures of Plaintiff's dreadlocks are not relevant to her race discrimination termination claim. FRE 401, 402. Pictures would also serve to unfairly prejudice Dynamic, confuse the issues, and mislead the jury</p>

			because dreadlocks, regardless of how styled, is not an immutable trait associated with race. FRE 403.
Exhibit 30	Exhibit 32 to Deposition of Davita M. Key dated June 20, 2022; Key Resume	Key 000034-000036	
Exhibit 31	Contact for Services between Hyundai Motor Manufacturing Alabama, LLC & Hyundai AMCO America Inc.	HMMA000013-76	
Exhibit 32	Hyundai Motor Manufacturing Alabama, LLC Policies	HMMA000001-2	
Exhibit 33	Individual Employee Schedule for Courtney Dixon	Dynamic-Key 000969	
Exhibit 34	Declaration of Cassandra Williams dated May 8, 2019	F00048	
Exhibit 35	HEA's Response to Plaintiff's Requests for Admission, RFA #2.		
Exhibit 36	Secretary of State Records for Hyundai ENG America, Inc.		
Exhibit 37	Secretary of State Records for HEA.		
Exhibit 38	Secretary of State Records for Hyundai Motor		

	Manufacturing Alabama, LLC.		
Exhibit 39	Secretary of State Records – Word Search “Hyundai”.		
Exhibit 40	Plaintiff’s Second Supplemental Response to HMMA’s Request for Production of Documents, #8.		
Exhibit 41	Declaration of Gloria Robinson dated August 25, 2022.		
Exhibit 42	Sworn Certification of Plaintiff’s EEOC Charge file produced by the EEOC dated December 18, 2019.		
Exhibit 43	Potential exhibits identified by Plaintiff in her Exhibit List, and the Exhibit Lists of Defendants Dynamic Security, Inc. and Hyundai Engineering America, Inc. that are not excluded by motion.		

Respectfully submitted,

/s/ Wesley C. Redmond

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on 9<sup>th</sup> day of February, 2023, he electronically filed a true and correct copy of the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to:

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